



COMMONWEALTH of VIRGINIA
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MEMORANDUM

TO: L. RICHARD MARTIN, JR.
Virginia Department of Social Services

FROM: ALLEN T. WILSON
Assistant Attorney General

DATE: June 15, 2003

SUBJECT: Proposed Regulation 22 VAC 40-771-10 et seq.
Local Department Approved Provider Standards

I have reviewed the above-referenced proposed regulation to determine if the State Board of Social Services ("State Board") has the statutory authority to promulgate the proposed regulation and if the proposed regulation comports with applicable state law.

Virginia Code § 63.2-217 mandates that the State Board promulgate regulations that are necessary to carry out the provisions of Title 63.2. Specifically, Title 63.2, Chapter 9 deals foster care; Chapter 12 deals with adoptions; Chapter 16 deals with adult services; and Chapters 17 and 18 deal with family day homes and adult day care. It appears that the State Board has the authority to promulgate the proposed regulation, subject to compliance with the provisions of Article 2 of the Administrative Process Act and Executive Order 21 (2002), and has not exceeded that authority.

If you have any questions, please feel free to call me at 786-3890.